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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re:

Richard Larry Lacey,  
Debtor.

Case No. 19-61936-tmr7

RESPONSE BY PETITIONING  
CREDITORS TO RENEWED MOTION TO  
DISMISS

Hwa Mei Keller and Susan Castro, as Personal Representative of the Estate of David Saunders, hereafter described as “Petitioning Creditors”, hereby respond and object to the alleged debtor’s Renewed Motion to Dismiss [Doc 12] (the Motion).

POINTS AND AUTHORITIES

The Motion alleges that the alleged debtor has 12 or more creditors. Therefore, under Section 303 of the Bankruptcy Code, the two Petitioners in this case are not enough to warrant the entry of an order for relief.

Petitioning Creditors allege that the alleged debtor has fewer than 12 creditors, notwithstanding the FRBP 1003(b) Statement filed by the alleged debtor (Doc 5). An evidentiary hearing will be necessary to resolve this factual dispute.

Petitioning Creditors also assert that by the time the Motion is set for hearing, at least one additional Petitioning Creditor will have joined in this case, thereby bringing the total number of Petitioning Creditors to 3, as required if the alleged debtor has 12 or more creditors. Once filed, this Motion should be denied and the alleged debtor will be required to file his Answer to the

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Involuntary Petition. If no Answer is filed within the time allowed, an Order for Relief will be entered and trustee appointed.

A preliminary hearing on the Motion is scheduled for October 1, 2019 at 2:00 pm. At this hearing Petitioning Creditors intend to reiterate the points raised in this response and ask the court to set an evidentiary hearing.

WHEREFORE, Petitioning Creditors request an evidentiary hearing on the Motion.

DATED this 19th day of September, 2019.

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/ Keith Y. Boyd  
Keith Y. Boyd, OSB #760701  
Of Attorneys for Petitioning Creditors

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## CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019, I served the following RESPONSE BY PETITIONING CREDITORS TO RENEWED MOTION TO DISMISS by depositing in the United States mail at Springfield, Oregon full and complete copies thereof, by first class mail, postage prepaid, or email transmission where indicated, addressed to the following:

None

I hereby certify that on September 19, 2019, I determined from the United States Bankruptcy Court electronic case filing system that the following parties will be served electronically via ECF:

KEITH Y BOYD ecf@boydlegal.net, arnold@boydlegal.net  
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THE LAW OFFICES OF KEITH Y. BOYD

By: /s/ Melissa A. Arnold  
Melissa A. Arnold, ACP  
Paralegal